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Before the
FEDERAL COMMUNICATIONS COMMISSION
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In the Matter of)
)
Technical Requirements to Enable)
Blocking of Video Programming based)
on Program Ratings)
)
Implementation of Sections 551(c), (d))
and (e) of the Telecommunications Act of)
1996)
_____)

ET Docket No. 97-206

Comments of

**CENTER FOR MEDIA EDUCATION
AMERICAN MEDICAL ASSOCIATION
AMERICAN ACADEMY OF PEDIATRICS
AMERICAN PSYCHOLOGICAL ASSOCIATION
CHILDREN'S DEFENSE FUND
CHILDREN NOW
NATIONAL ASSOCIATION OF ELEMENTARY SCHOOL PRINCIPALS
NATIONAL EDUCATION ASSOCIATION
NATIONAL PARENT TEACHER ASSOCIATION**

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TABLE OF CONTENTS

I.	THE COMMISSION SHOULD GIVE SPECIFIC GUIDANCE TO MAKE PROGRAM BLOCKING TECHNOLOGY EFFECTIVE AND “USER FRIENDLY.”	2
A.	Parents should have the ability to block programming effectively using age-based ratings and content descriptors.	2
B.	Parents should have the ability to block all unrated programming.	4
C.	The V-Chip must be easy to disable yet secure enough to ensure that children cannot easily override their parents’ decisions.	4
II.	THE COMMISSION SHOULD ENCOURAGE FLEXIBILITY IN ACCOMMODATING MULTIPLE RATINGS.	5
III.	THE COMMISSION SHOULD ENCOURAGE THE DEVELOPMENT OF ALTERNATE PROGRAM BLOCKING TECHNOLOGY SUCH AS DATE/TIME/CHANNEL BLOCKING.	6
IV.	THE COMMISSION SHOULD REQUIRE THAT ANALOG AND DIGITAL TELEVISION RECEIVERS IMPLEMENT PROGRAM BLOCKING TECHNOLOGY AS SOON AS POSSIBLE.	7
	CONCLUSION.	9

Commenters, the Center for Media Education, American Medical Association, American Academy of Pediatrics, American Psychological Association, Children's Defense Fund, Children Now, National Association of Elementary School Principals, National Education Association, and National Parent Teacher Association ("CME, *et al.*") hereby submit Comments regarding the Technical Requirements to Enable Blocking of Video Programming based on Program Ratings.

In this *Notice of Proposed Rulemaking*,¹ the FCC proposes rules to implement Section 551 of the Telecommunications Act.² This provision instructs the Commission to oversee the adoption of industry standards for blocking technology, and to ensure that blocking capability continues to be available to consumers as technology advances. According to the Commission, the proposals contained in the *Notice of Proposed Rulemaking* are intended to give parents the ability to block video programming they feel is inappropriate for their children.³

Congress' goal in passing the V-Chip legislation was to empower parents through timely information about video programming and easy to use technological tools. Most of the debate surrounding the V-Chip has focused on the type of ratings system that will be used to provide parents with information. However, the technological aspect of the V-Chip is equally important. To help realize the goal of parental empowerment, CME, *et al.* urge the Commission to set minimum standards to ensure that the V-Chip will be user friendly, encourage development of

¹ Notice of Proposed Rulemaking, *In the Matter of Technical Requirements to Enable Blocking of Video Programming based on Program Ratings*, ET Docket No. 97-206, FCC 97-340 (October 9, 1997) [hereinafter *Notice of Proposed Rulemaking*].

² Pub. L. No. 104-104, 111 Stat. 56 (1996).

³ *Notice of Proposed Rulemaking*, *supra* note 1, at paragraph 2.

alternate program blocking technology, and require that program blocking is implemented as soon as possible.

I. THE COMMISSION SHOULD GIVE SPECIFIC GUIDANCE TO MAKE PROGRAM BLOCKING TECHNOLOGY EFFECTIVE AND “USER FRIENDLY.”

CME, *et al.* agree with the Commission that V-Chip technology should be implemented in as “user friendly” a manner as possible.⁴ If blocking technology is allowed to proceed without any minimum standards on how it will function, parents may be unable to block programming easily. For the V-Chip to empower parents, the Commission should ensure that the V-Chip will be user friendly, by providing specific guidance on how the V-Chip can be used to block all programming easily and effectively.

A. Parents should be able to block programming easily and effectively using age-based ratings and content descriptors.

For the V-Chip to be an empowering tool, it must easily and effectively block programming according to parents’ needs. The industry’s proposed universal television ratings system includes both age-based ratings and content descriptors.⁵ Most programming will

⁴ *Notice of Proposed Rulemaking*, *supra* note 1, at paragraph 14.

⁵ See Public Notice, *Commission Seeks Comment on Revised Industry Proposal for Rating Video Programming*, CS Docket No. 97-55, FCC 97-321, Report No. CS 97-25 (September 9, 1997); Letter from Jack Valenti, President and Chief Executive Officer, Motion Picture Association of America, *et al.* to William F. Caton, Secretary, Federal Communications Commission (Aug. 1, 1997), at 1 [hereinafter *Industry Proposal*].

probably be labeled with an age-based rating and content descriptors denoting the amount of violence, sexual content, or adult language. However, certain programs, because of theme or subject matter, may receive a TV-PG rating, for example, yet not contain the violence, sexual content or adult language that would require content descriptors such as V, S, or L. Therefore, for the V-Chip to be effective, parents must be able to block programs easily using age-based ratings, content descriptors, or a combination of the two.⁶

The V-Chip should also be configured to block automatically programming with higher ratings. For example, if a viewer programs the V-Chip to block shows rated TV-PG-V, the V-Chip should block automatically shows with the more restrictive rating of TV-14-V and TV-MA-V. Since a parent who deemed a show rated TV-PG-V unacceptable for his or her children would likely find a show rated TV-14-V or TV-MA-V even less acceptable, this is a logical step that would reduce the time spent programming the V-Chip.⁷

⁶ NBC and Black Entertainment Television (BET) are two major networks that refuse to rate their programs for content. NBC is currently labeling its programs with only an age-based rating. Paige Albinak, *Ratings get revamped*, BROADCASTING & CABLE, July 14, 1997, at 4. BET has refused to rate any of its programming. *Backers Say TV Ratings Provide 'Precisely' What Congress Intended*, COMMUNICATIONS DAILY, October 8, 1997, at 4. The failure to use content descriptors will not only deprive parents of all the information necessary to make informed program decisions for their children, it may also make it more difficult to use the V-Chip. For example, if a parent decides to block programs with a rating of TV-PG-V, unrated BET programs and programs rated TV-PG by NBC, including those containing violent content the parent feels is harmful to his or her child, may come through. Unless NBC and BET adopt the industry's universal television ratings system, the ability of parents to use the V-Chip easily and effectively will be severely hampered.

⁷ If the V-Chip is configured to block automatically programming with higher ratings, it is important for parents to be able to easily override the V-Chip. See *infra* Section I.C.

B. Parents should have the ability to block all unrated programming.

Since not all programming will be rated, the V-Chip should give parents the ability to block unrated programming. According to the industry ratings system, news and sports programs are exempt from the ratings requirement.⁸ Because the decision to rate is voluntary, programs in addition to news and sports programs may not be rated.⁹ Some parents may wish to prevent their children from viewing these programs. Therefore, to be effective, the V-Chip must give parents the choice to block unrated programming that they feel is inappropriate for their children.

C. The V-Chip must be easy to disable yet secure enough to ensure that children cannot easily override their parents' decisions.

If parents want to watch, or allow their children to watch, specific programs with a rating they have programmed the V-Chip to block, they will need to be able to override the V-Chip. If parents miss programs they intended to watch because they cannot override program blocking, they will become frustrated with the V-Chip, and may stop using it. When parents reactivate the V-Chip, it should automatically return to the settings that the parent has programmed the V-Chip to block.

⁸ *Industry Proposal*, *supra* note 6, at 3.

⁹ For example, BET has refused to rate any of its programming. *Backers Say TV Ratings Provide 'Precisely' What Congress Intended*, COMMUNICATIONS DAILY, October 8, 1997, at 4.

The disabling mechanism must also be secure enough to ensure that children cannot easily override their parents' decisions. Whether this is done through the use of a Personal Identification Number (PIN) or some other secure means should be left to the industry to decide, but it must be easy for parents to use and secure enough that children will not be able to override their parents' decisions. The Commission should encourage the industry to ensure that the V-Chip has a secure, yet easy to use, disabling mechanism.

II. THE COMMISSION SHOULD ENCOURAGE FLEXIBILITY IN ACCOMMODATING MULTIPLE RATINGS.

In the *Notice of Proposed Rulemaking*, the Commission seeks comment on how many ratings systems are likely to develop.¹⁰ The industry's universal television ratings system is the only industry-wide proposal submitted to the Commission for approval,¹¹ but other parties may develop alternate ratings systems in the future. While the industry ratings system approved by the Commission should be the only ratings system mandated for use with the V-chip, manufacturers could accommodate other ratings systems on a voluntary basis.

An open, flexible approach to V-Chip manufacturing standards would accommodate the development of multiple ratings systems. Development of these systems would empower parents to make more effective program choices for their children by allowing parents to choose the ratings system that best meets their needs. The Commission should facilitate the development of

¹⁰ *Notice of Proposed Rulemaking*, *supra* note 1, at paragraph 12.

¹¹ *Industry Proposal*, *supra* note 6, at Attachment #2.

multiple ratings systems by encouraging manufacturers to make the V-Chip as flexible and adaptable to new systems as possible.

III. THE COMMISSION SHOULD ENCOURAGE THE DEVELOPMENT OF ALTERNATE PROGRAM BLOCKING TECHNOLOGY SUCH AS DATE/TIME/CHANNEL BLOCKING.

As part of its goal to give parents the ability to block video programming they do not want their children to watch,¹² the Commission should encourage the development of alternate program blocking technology. Date/time/channel blocking, which allows the user to program the television receiver to block a program that occurs at a specific time on a specific date and channel, should be encouraged as a complement to blocking by a common rating. Date/time/channel blocking will allow parents to block specific programs that they feel are inappropriate for their children, instead of blocking an entire rating category of programs. If a parent is concerned about the negative influences of specific programs, then date/time/channel blocking will empower that parent to block the harmful effects of those specific programs. While date/time/channel blocking is not an acceptable alternative to the V-Chip and the universal

¹² *Notice of Proposed Rulemaking*, *supra* note 1, at paragraph 2.

television rating system,¹³ it should be encouraged as an additional tool to empower parents to block the negative effects of specific harmful programs.

IV. THE COMMISSION SHOULD REQUIRE THAT ANALOG AND DIGITAL TELEVISION RECEIVERS IMPLEMENT PROGRAM BLOCKING TECHNOLOGY AS SOON AS POSSIBLE.

CME, *et al.* encourage the Commission to require that television manufacturers implement program blocking technology on all television receivers as soon as possible. The Commission has proposed that television manufacturers be required to provide blocking technology on at least half of their receivers that are subject to the blocking technology requirements by July 1, 1998, and on the remainder by July 1, 1999.¹⁴ Since the product life of a television is approximately 10 years, many consumers will not be able to use this technology until well into the 21st century. Making this technology available as soon as possible should not be a burden to the television manufacturing industry; the technology for program blocking

¹³ According to Section 330(c)(4)(C) of the Communications Act, an alternative blocking technology is only an acceptable alternative if the technology will allow parents to block a broad range of programs as effectively and easily as technology based on a common ratings system. Since over 2000 hours of programming are produced on television every day, it would be impossible for any parent to know the content of every program that is broadcast. As a result, they would be unable to block shows with material they find unsuitable for their children because they would not know the content of specific programs. While date/time/channel blocking is an effective way to block specific programs, it does not effectively allow parents to block a broad range of programming.

¹⁴ *Notice of Proposed Rulemaking*, *supra* note 1, at paragraph 15.

already exists,¹⁵ and the industry has known that they could be required to incorporate this technology as early as February 1998.¹⁶ In order for program blocking to have an effect on the negative influences of harmful programming, parents need access to the V-Chip technology as soon as possible.

The Commission has also proposed that all digital television (DTV) receivers with picture screens of 13 inches or larger be required to include program blocking capability within a relatively short period of time, *e.g.*, within 180 days, after rules are adopted in this proceeding.¹⁷ CME, *et al.* agree with this proposal, and recommend that the Commission, through its oversight role, encourage that manufacturers of DTV and other future systems take advantage of the superior means of transmitting data to improve the program blocking capability of viewers and accommodate multiple ratings systems.

¹⁵ The technology exists in closed-captioning chips, which only have to be redesigned or reprogrammed to allow them to decode parental access information. Glen Dickson, *How's it work? The V-Chip is based on closed-captioning technology*, BROADCASTING & CABLE, February 12, 1996, at 24.

¹⁶ Section 551(e)(2) of the Telecommunications Act requires that the Commission specify an effective date for the applicability of the program blocking requirement not less than two years from the date of the enactment of the Act. Therefore, the Commission could require that television receivers include program blocking capability as early as February 8, 1998.

¹⁷ *Notice of Proposed Rulemaking*, *supra* note 1, at paragraph 19.

CONCLUSION

The Telecommunications Act instructs the Commission to oversee the adoption of standards by industry for blocking technology. Without specific guidance from the Commission on how to make the V-Chip easy to use and effective, Congress' goal of empowering parents through technology will not be realized. The Commission should give specific guidance to make the V-Chip user friendly, encourage flexibility in accommodating multiple ratings, encourage the development of alternate program blocking technology, and require that program blocking is implemented as soon as possible.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Lori Anne Dolqueist', with a long horizontal line extending to the right.

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